

BEFORE THE OFFICE OF CAMPAIGN FINANCE
DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS
FRANK D. REEVES MUNICIPAL BUILDING
2000-14th STREET, N.W., SUITE 420
WASHINGTON, D.C. 20009
(202) 671-0550

IN THE MATTER OF)	DATE: October 7, 2003
)	
Dr. Vesta McDowell)	DOCKET NO.: 03F-016
Chair)	
Board of Podiatry)	
300 M Street, SW, #NG1)	
Washington, DC 20024)	

ORDER

Statement of the Case

This matter came before the Office of Campaign Finance (hereinafter OCF) Office of General Counsel following a determination by its Public Information Records Management Division, that pursuant to the D.C. Code §1-1106.02 (2001 Edition), Vesta McDowell, Chair, Board of Podiatry (Board), failed to timely file, a Financial Disclosure Statement for calendar year 2002, on or before May 15, 2003 as required by D.C. Official Code §1-1106.02 and also failed to file on or before the OCF sanctioned extended filing deadline of June 19, 2003.

By Notices of Hearing, Statements of Violations and Orders of Appearance dated August 5, 2003, August 15, 2003 and September 2, 2003, OCF ordered Vesta McDowell (hereinafter respondent), to appear at scheduled hearings on August 14, 2003, August 27, 2003 and September 12, 2003 and show cause why she should not be found in violation of the D.C. Campaign Finance Reform and Conflict of Interest Act of 1974, as amended by D.C. Official Code §§1-1101.01 et seq., and fined accordingly.

Summary of Evidence

OCF alleges that the respondent failed to timely file the statutorily required Financial Disclosure Statement for calendar year 2002, on or before June 19, 2003.

On September 12, 2003, OCF received an affidavit from respondent stating she did not receive a Financial Disclosure Statement to file this year. Respondent further stated that she has served as Chair of the Board for ten years, and that her failure to timely file was not due to any negligence on her part. On September 26, 2003, OCF received respondent's fully executed Financial Disclosure Statement.

Findings of Fact

Having reviewed the allegations and the record herein, I find:

1. Respondent was required to file a Financial Disclosure Statement with OCF for calendar year 2002, on or before June 19, 2003.
2. Respondent filed a Financial Disclosure Statement with OCF on September 16, 2003.
3. OCF mailed Notices of Hearing, Statements of Violations and Orders of Appearance (Notices) to respondent's address of record, 1293 Delaware Avenue SW, Washington, DC 20024.
4. OCF received the aforementioned Notices by return mail from the Postal Service due to insufficient address.
5. Respondent's address of record was provided to OCF by the Office of Boards and Commissions.
6. Respondent's current address of record is 300 M Street, SW, NG1, Washington, DC 20024.
7. Respondent's explanation for the filing delinquency is credible in that the Office of Boards and Commissions failed to notify OCF of respondent's current address of record.
8. Respondent is currently in compliance with the statute.

Conclusions of Law

Based upon the record provided by OCF, I therefore conclude:

1. Respondent violated D.C. Official Code §1-1106.02.
2. The penalty established at D.C. Official Code §1-1103.05(b)(3), and 3DCMR §§3711.2(aa), 3711.2 and 3711.4 for failure to timely file a Financial Disclosure Statement required by D.C. Official Code §1-1106.02 is a fine of \$50.00 per day for each business day subsequent to the due date.
3. In accordance with D.C. Official Code §1-1103.05(b)(3), the respondent may be fined a maximum of \$2,000.00 for failing to timely file a Financial Disclosure Statement.

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4. For good cause shown pursuant to 3DCMR §3711.6, the Director of Campaign Finance (Director) may modify, rescind, dismiss or suspend any fine.
5. Respondent's explanation for failing to timely file constitutes good cause for suspension of the fine.

Recommendation

In view of the foregoing and information included in the record, I hereby recommend that the Director suspend the imposition of a fine in this matter.

Date

**Jean Scott Diggs
Hearing Officer**

Concurrence

In view of the foregoing, I hereby concur with the Recommendation.

Date

**Kathy S. Williams
General Counsel**

ORDER OF THE DIRECTOR

IT IS ORDERED that the fine be hereby suspended in this matter.

Date

Cecily E. Collier-Montgomery
Director

SERVICE OF ORDER

This is to certify that I have served a true copy of the foregoing Order.

Rose Rice
Legal Assistant

NOTICE

Pursuant to 3DCMR §3711.5 (1999), any fine imposed by the Director shall become effective on the 16th day following the issuance of a decision and order, if the respondent does not request an appeal of this matter. If applicable, within 10 days of the effective date of this order, please make a check or money order payable to the D.C. Treasurer, c/o Office of Campaign Finance, Suite 420, 2000-14th Street, N.W., Washington, D.C. 20009.